7/01/2008 SSITHIB1 00000087 10601606

240 L PTO/SB/61

Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional) DR-352J

First Named Inventor: Christopher Dube

Art Unit: 3753

Examiner: Fox, John C.

Filed: June 23, 2003

Application Number: 10/601,606

Title: INTEGRATED ELECTROFLUIDIC SYSTEM AND METHOD

Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- Petition fee. (1)
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee Small entity - fee \$ See 37 CFR 1.27.	(37 CFR 1.17(I)). Applicant cl	aims small entity status.
Other than small entity - fee \$	10.00 (37 CFR 1.17(I)).	
2. Reply and/or fee		
A. The reply and/or fee to the above-note	d Office action in the form of	
Amendments to the	claims 🤼 (i	dentify the type of reply):
has been filed previously on	W.	
is enclosed herewith.		
D The ! ((A		
B. The issue fee of \$	ig .	
has been paid previously on		

This collection of information is required by 37 CFR 1.137(e) The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the 1970. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chler Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. at 150, Alexandria, V. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mall Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, V.A. 22313-1450. [Page 1 of 3]

PTO/SB/61 (01-08)
Approved for use through 01/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FO UNAVOIDABLY UNDER 37 CFR	
Terminal disclaimer with disclaimer fee	
Since this utility/plant application was filed on or after June 8,	1995, no terminal disclaimer is required.
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of for other than a small entity) disclaiming the r (see PTO/SB/63).	
 An adequate showing of the cause of the delay, and that the entireduced due date for the reply until the filling of a grantable petition undenclosed. 	e delay in filing the required reply from the der 37 CFR 1.137(a) was unavoidable, is
WARNING:	
Petitioner/applicant is cautioned to avoid submitting personal information in a contribute to identity theft. Personal information such as social security numbers (other than a check or credit card authorization form PTO-2038 sub by the USPTO to support a petition or an application. If this type of personal to the USPTO, petitioners/applicants should consider redacting such per submitting them to the USPTO. Petitioner/applicant is advised that the republic after publication of the application (unless a non-publication request in the application) or issuance of a patent. Furthermore, the record from an athe public if the application is referenced in a published application or an iscredit card authorization forms PTO-2038 submitted for payment purpose therefore are not publicly available.	imbers, bank account numbers, or credit card imitted for payment purposes) is never required information is included in documents submitted sonal information from the documents before cord of a patent application is available to the n compliance with 37 CFR 1.213(a) is made in ibandoned application may also be available to ssued patent (see 37 CFR 1.14). Checks and
Signature	Date
David W. Poirier	43.007
Typed or printed name	Registration Number, if applicable
Iandiorio Teska & Coleman	781-890-5678
Address	Telephone Number
260 Bear Hill Road, Waltham, MA 02451	Total Manager
Address	
Enclosure	
 ☐ Reply	
Terminal Disclaimer Form	
Additional sheets containing statements establishin	g unavoidable delay
CERTIFICATE OF MAILING OR TRANSMISSI	ON (37 CFR 1.8(a))
I hereby certify that this correspondence is being:	
✓ deposited with the United States Postal Service on the date sh class mail in an envelope addressed to: Mail Stop Petition, Co 1450, Alexandria, VA 22313-1450.	
transmitted by facsimile on the date shown below to the United	States Patent and Trademark Office at
(571) 272-8300.	
June 24 2008 Jeans	Milled In Signature
Typed or printed par	me of person signing certificate
r yped or printed har	no or person signing certificate

PTO/SB/61 (01-08) Approved for use through 01/31/2008. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

UNAVOIDABLY UNDER 37 CFR 1.13	37(a)
NOTE: The following showing of the cause of unavoidable delay by any other party who is presenting statements concern	
Ward W R. Signature	
David W. Poirier Typed or printed name	43,007 Registration Number, if applicable
(In the space provided below, please explain in detail the reasons Please see attached Supplement to Petition for Revival of an Application for Pate C.F.R. §1.137(a).	
(Please attach additional sheets if additional s	oace is needed.)





David W. Poirier

Niall Casey

Thomas E. Thompkins, Jr.

IANDIORIO TESKA & COLEMAN

INTELLECTUAL PROPERTY LAW ATTORNEYS

260 Bear Hill Road Waltham, Massachusetts 02451-1018 Tel: (781)-890-5678 Fax: (781) 890-1150 e-mail: admin@iandiorio.com web: www.iandiorio.com

June 24, 2008

Attention: Office of Petitions Commissioner for Patents U.S. Patent and Trademark Office Alexandria, VA 22313-1450

SUBJECT:

Applicant:

Dube et al.

Serial No: 10/601,606 Int'l. Filing Date: June 23, 2003

For:

INTEGRATED ELECTROFLUIDIC SYSTEM

AND METHOD

Confirmation No.:

8958 Fox, John C.

Examiner: Docket No:

DR-352J

Dear Sir:

Enclosed are a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. §1.137(a), a Supplement to Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. §1.137(a) in the subject application including three (3) Exhibits, and a Reply to the Notice of Non-Compliant Amendment, with a check in the amount of \$510.00 for the Petition Fee pursuant to 37 C.F.R. 1.17(1).

If for any reason this PETITION, SUPPLEMENT or REPLY TO NOTICE of NON-COMPLIANT AMENDMENT is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

If any payment during prosecution is found to be incorrect, please charge any deficiency or credit any overpayment to my Deposit Account No. 09-0002. A copy of this letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

In addition, pursuant to Rule 1.136(a)(3), the Office is hereby authorized to treat any future reply requiring an extension of time as incorporating a request therefor. Also, any request or Petition for an Extension of Time notwithstanding an inadvertent reference in the Petition to a shorter period of time is to be treated as requesting the appropriate length of time.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Sincerely,

David W. Poirier Reg. No. 43,007

DWP/jmc Enclosures Attention: Office of Petitions Commissioner for Patents June 24, 2008

Page 2

CERTIFICATE OF MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Attention: Office of Petitions, Commissioner for Patents, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450, on 24 2005

Joanne M. Cecchin



IANDIORIO TESKA & COLEMAN

INTELLECTUAL PROPERTY LAW ATTORNEYS

260 BEAR HILL ROAD WALTHAM, MASSACHUSETTS 02451-1018 Tel: (781)-890-5678 Fax: (781) 890-1150 e-mail: admin@iandiorio.com web: www.iandiorio.com

June 24, 2008

Attention: Office of Petitions Commissioner for Patents

Thomas E. Thompkins, Jr. David W. Poirier

Niall Casey

U.S. Patent and Trademark Office Alexandria, VA 22313-1450

SUBJECT:

Applicant:

Serial No:

Dube et al. 10/601.606

Int'l. Filing Date: For:

June 23, 2003

101.

INTEGRATED ELECTROFLUIDIC SYSTEM

AND METHOD

Confirmation No.:

8958 Fox. John C.

Examiner: Docket No:

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Sincerely.

David W. Poirier Reg. No. 43,007

DWP/jmc Enclosures Attention: Office of Petitions Commissioner for Patents

June 24, 2008

Page 2



CERTIFICATE OF MAILING

Joanne M. Cecchini



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Dube et al.

Serial No: Int'l. Filing Date:

10/601.606 June 23, 2003

For:

INTEGRATED ELECTRO-FLUIDIC SYSTEM AND

METHOD

Examiner:

Fox, John C.

Confirmation No: 8958

Docket No.: DR-352J

Mail Stop Petition Commissioner for Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Attention; Office of Petitions, Commissioner for Patents, Mail Stop, Petition, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA

22313-1450, on

SUPPLEMENT TO PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)

Applicant respectfully requests revival of the subject patent application pursuant to 37 CFR §1.137(a) and MPEP 711.03(c)(I)(A) based upon the sequence of unavoidable events as illustrated below.

On June 23, 2003, the law firm of Iandiorio & Teska (now Iandiorio Teska & Coleman), which represent the applicants of the subject application, filed the subject patent application with the U.S. Patent and Trademark Office. On June 18, 2008, Iandiorio Teska & Coleman received a copy of the Notice of Abandonment dated June 16, 2008 from the U.S. Patent and Trademark Office.

DR-352J NPC/imc 1

After reviewing the file of the subject application as well as copies of the docketing system, it was confirmed that the Notice of Non-Compliant Amendment was not received by Iandiorio Teska & Coleman. Attached hereto as Exhibit A are seventeen (17) pages of the master docket, i.e., the "Office Docket" entries of mail that Iandiorio & Teska received between November 15, 2007 and November 30, 2007, representing a period of time during which the Notice of Non-Compliant Amendment dated November 15, 2007 would have been received.

A review of the master docket, i.e., the "Office Docket" shows in part: the date Iandiorio Teska & Coleman received the item; a description of the item received; the Iandiorio Teska & Coleman docket number to which the item is related; the description of the work to be done; and the due date for the work to be done. The Iandiorio Teska & Coleman docket numbers each include a client description and a matter number. The client description for the subject application is "DR". The "matter" number for the subject patent application is "352". Upon inspection of the "Office Docket" it is evident that there is no record of receipt of any items by Iandiorio Teska & Coleman between November 15, 2007 and November 30, 2007 with respect to docket number "DR-352J". On June 18, 2008, Iandiorio Teska & Coleman received a copy of the Notice of Abandonment from the U.S. Patent and Trademark Office.

A review of the "Office Docket Calendar" of the firm Iandiorio, Teska & Coleman for items due on December 16, 2008 also shows that an Office Action was not received for docket number "DR-352J" since this due date was not docketed for this docket number. December 16, 2007 is the due date that would be docketed for the Office Action that was mailed on November 16, 2007. A photocopy of the "Office Docket Calendar" for December 2007 is attached hereto as Exhibit B.

Also enclosed is a copy of the "Docket - By Client" showing all activity related to the

client's file DR-352J from July 2002 to July 2008, attached hereto as Exhibit C. The review of this document shows all of the received documents and activity required for each case within the firm. There is no entry indicating receipt of an Office Action mailed November 16, 2007 for DR-352J. Nor is there an entry for any item with a due date of December 16, 2007.

Accordingly, because the Notice of Non-Compliant Amendment was not received by Iandiorio Teska & Coleman prior to the deadline for responding to the Notice of Non-Compliant Amendment, the failure to respond to the Notice of Non-Compliant Amendment and the subsequent Notice of Abandonment was unavoidable and inadvertent.

Wherefore, the applicant respectfully requests revival of the subject application. The applicant encloses herewith the \$510.00 fee pursuant to 37 CFR 1.17(1) for this Petition for Revival of an Application for Patent Abandoned Unavoidably. Since the applicants believe that the abandonment of the subject application was not due to their mistake or a mistake of their representatives, the applicants respectfully request that the U.S. Patent and Trademark Office refund the \$510.00 petition fee by crediting Deposit Account No. 09-0002. Additionally, the applicant submits a Response to the Final Office Action mailed June 22, 2007.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that they are properly authorized to execute this Supplement to: Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. §1.137(a), Supplement to Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. §1.137(a), and a Reply to the Notice of Non-Compliant Amendment dated November 16, 2007, on behalf of the applicant; and all statements made of their own knowledge are true and all

statements made on information and belief are believed to be true.

If for any reason this Petition, Supplement, or Response are found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, (781) 890-5678.

Respectfully submitted,

David W. Poirier, Reg. No. 43,007

Iandiorio Teska & Coleman 260 Bear Hill Road

Waltham, MA 02451-1018

(781) 890-5678

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Office General Doc	Office Action	11/08/2006	05/08/2007		12/08/2006	
Roy J Coleman	RESPONSE	06/18/2008	07/16/2008			petition to revive
Joseph S landiorio	Meet with inventor(05/02/2003	05/21/2003		06/23/2003	
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Roy J Coleman	RESPONSE FIN	05/15/2006	08/12/2006		11/09/2006	final; rce filed
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Roy J Coleman	RESPONSE	03/01/2005	03/23/2005		03/21/2005	rest req
Office General Doc	Office Action	07/11/2005	01/11/2006		10/27/2005	
Office General Doc	Office Action	06/23/2003	06/23/2004		03/01/2005	
Office General Doc	Office Action	04/24/2006	10/24/2006		05/15/2006	////
Roy J Coleman	RESPONSE FIN	06/25/2007	07/22/2007		10/31/2007	final
Office General Doc	6 month reminder	06/21/2002	12/21/2002		02/26/2003	provisional
Office General Doc	Filing Receipt	06/21/2002	07/22/2002		07/29/2002	provisional
Roy J Coleman	RESPONSE	08/20/2003	10/18/2003	12/18/2003	12/18/2003	poa, drawings
Roy J Coleman	RESPONSE FIN	10/27/2005	01/25/2006		04/24/2006	rce filed
Office General Doc	Office Action	10/31/2007	04/30/2008		06/18/2008	
Office General Doc	10 month reminder	06/21/2002	04/21/2003		06/23/2003	rs 5/6; provisional

Docket ID:	dr353j	r353j High Accuracy Drillhead Navigation System							
	Attorney	Activity	Mailed	Due	Terminal	Completed	Notes		
	David W. Poirier	ISSUE FEE - NO E	03/12/2004	06/09/2004		06/01/2004			
	Office General Doc	1st Maintenance Fe	08/17/2004	02/17/2008		01/09/2008	rs 12/18 ok to pay		

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